

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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ONE HUNDRED SIXTH LEGISLATIVE DAY  
MONDAY, APRIL 27, 2009

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Anderson, Marriott, McGeachin.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Spencer Powell, Page.

### Approval of Journal

April 27, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the One Hundred and Third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR  
Boise

April 24, 2009

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 231](#) and [H 248](#)

As Always - Idaho, "Esto Perpetua"  
/s/ C.L. "Butch" Otter  
Governor

April 24, 2009

Mr. Speaker:

I return herewith enrolled [H 287](#), [H 299](#), [H 301](#), [H 302](#), [H 308](#), [H 309](#), and [H 310](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 287](#), [H 299](#), [H 301](#), [H 302](#), [H 308](#), [H 309](#), and [H 310](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

[H 256](#), as amended in the Senate, as amended in the Senate, was previously held at the desk, April 22, 2009.

Mr. Nonini asked unanimous consent that the House concur in the Senate amendments to [H 256](#), as amended in the Senate, as amended in the Senate. There being no objection, it was so ordered.

[H 262](#), as amended in the Senate, was previously held at the desk, April 22, 2009.

Mr. Nonini asked unanimous consent that the House concur in the Senate amendments to [H 262](#), as amended in the Senate. There being no objection, it was so ordered.

[H 256](#), as amended in the Senate, as amended in the Senate, and [H 262](#), as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

### Report of Standing Committees

April 27, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 333](#), [H 334](#), [H 335](#), and [H 336](#).

CLARK, Chairman

[H 333](#) and [H 335](#) were filed for second reading.

[H 334](#) and [H 336](#) were referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 337 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-432, IDAHO CODE, TO REVISE SPECIFIED PERMIT FEES, TO DELETE REFERENCE TO CERTAIN PERMIT FEES, TO PROVIDE CERTAIN PERMIT FEES, TO PROVIDE CODE REFERENCES AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-434, IDAHO CODE, TO DELETE REFERENCE TO CERTAIN REGISTRATION FEES, TO PROVIDE CERTAIN REGISTRATION FEES, TO PROVIDE FOR DEPOSIT OF MONEYS, TO PROVIDE CORRECT CODE REFERENCES, TO REVISE CERTAIN REGISTRATION AND ADMINISTRATIVE FEES, TO PROVIDE EFFECTIVE DATES, TO PROVIDE OPTIONS TO CERTAIN ANNUAL REGISTRATIONS, TO SPECIFY PROCESS PROVISIONS, TO PROVIDE FOR ADMINISTRATIVE FEES, TO DELETE REFERENCE TO PROVISIONS RELATING TO REGISTRATION FEES FOR SPECIFIED COMMERCIAL AND FARM VEHICLES, TO PROVIDE FOR REGISTRATION FEES FOR SPECIFIED COMMERCIAL AND FARM VEHICLES, TO REVISE FEE PROVISIONS RELATING TO SPECIFIED COMMERCIAL AND FARM VEHICLES AND TO DELETE REFERENCE TO CERTAIN USE FEES; AMENDING SECTION 49-435, IDAHO CODE, TO REVISE AN IDENTIFICATION

CHARGE; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-701A, IDAHO CODE, TO PROVIDE FOR THE HIGHWAY MAINTENANCE, PRESERVATION AND RESTORATION FUND, TO PROVIDE FOR MONEYS DEPOSITED INTO THE FUND, TO PROVIDE FOR INTEREST, TO PROVIDE FOR APPORTIONMENT OF FUND MONEYS, TO PROVIDE FOR CONTINUOUS APPROPRIATION AND TO PROVIDE FOR EXPENDITURES; AND PROVIDING EFFECTIVE DATES.

**H 337** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

**H 330**, **H 331**, and **H 332**, by Appropriations Committee, were read the second time by title and filed for third reading.

Mr. Moyle moved that the House recess until 1 p.m. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House at recess until 1 p.m.

RECESS  
Afternoon Session

The House reconvened at 1 p.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Anderson, Marriott, McGeachin.

Total – 3.

Total – 70.

Prior to recess, the House was at the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

There being no objection, the House advanced to the Twelfth Order of Business.

### Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

### Report of the Committee of the Whole House

April 27, 2009

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **S 1112**, as amended, and report it back without recommendation, amended as follows:

#### HOUSE AMENDMENT TO S.B. NO. 1112, As Amended

##### AMENDMENT TO SECTION 2

On page 3 of the engrossed bill, in line 8, delete "**four (4)**" and insert: "**seven (7)**".

##### AMENDMENT TO SECTION 3

On page 4, delete lines 1 and 2, and insert:

"(5) The provision of care for children of ~~only one (1) immediate a family in addition to the person's own children within the second degree of relationship.~~"

##### AMENDMENT TO SECTION 4

On page 4, delete lines 21 and 22, and insert: "~~the department.~~ No charge for any reinspection after the initial inspection in any license period shall be made to the ~~day-care center~~ daycare facility.".

##### AMENDMENT TO SECTION 6

On page 5, delete lines 12 through 15, and insert: "~~of a license~~ The department shall send a renewal application to the owner of the daycare facility no later than ninety (90) days prior to the expiration of an existing license. The owner shall submit to the department the renewal application with the required renewal fee and a criminal history check prior to the expiration of the existing license. A complete criminal history check shall be provided for any new persons requiring a criminal history check in accordance with section 39-1105, Idaho Code. A limited criminal history check shall be provided for those persons eighteen (18) years of age or older who where previously checked. The limited criminal history check shall include:"; and following line 23, insert:

"(5) Submission of a renewal application, fee and required criminal history check shall entitle the daycare facility owner to continue daycare services, subject to action by the department pursuant to section 39-1113, Idaho Code.".

##### AMENDMENT TO SECTION 7

On page 5, in line 27, delete "~~not exceed one hundred~~" and insert: "not exceed one hundred"; delete lines 28 through 32, and insert: "seventy-five dollars (\$100.00/75) for daycare centers and one hundred dollars (\$100) for group daycare facilities. The board shall allocate the fee for fire and health inspections and for the eCriminal history check. The board shall also establish a renewal fee which shall not exceed sixty dollars (\$60.00) fees shall be in addition, but at actual cost. No other fees shall be charged for each license period. The department may allocate the fees to daycare licensing administration costs as it deems appropriate;"; and delete lines 33 through 40, and insert:

"(2) The applicable license fee in subsection (1) of this section shall be reduced by twenty five percent (25%) for any day care facility which provides evidence that at least fifty percent (50%) of its staff is certified in infant/child first aid and pediatric rescue breathing department is authorized to utilize Idaho child care program funds as otherwise allowed by law to pay for the costs associated with certification and licensing of daycare facilities to the extent that fees collected from the facilities do not fully cover such costs. It is the intent of the legislature that licensing fees and Idaho child care program funds shall fully fund daycare facility licensing administration.".

##### AMENDMENT TO SECTION 9

On page 6, in line 15, delete "~~the International Fire Code as adopted by Idaho and~~"; delete lines 23 and 24; in line 25, delete "~~(e)~~" and insert: "(d)"; in line 26, delete "~~(f)~~" and insert: "~~(e)~~"; and in line 29, delete "~~(g)~~" and insert: "(f)".

On page 7, in line 10, delete "~~(h)~~" and insert: "(g)".

On page 8, in line 7, delete "~~Group daycare~~" and insert: "Daycare"; and in line 12, delete "~~Group Daycare~~" and insert: "Daycare".

##### AMENDMENT TO THE BILL

On page 9, following line 3, insert:

"SECTION 11. That Section 39-1111, Idaho Code, be, and the same is hereby amended to read as follows:

39-1111. RULES AUTHORIZED. In order to implement the provisions of this chapter, the ~~following rule making authority is authorized:~~

(1) ~~The state fire marshal, in addition to other duties imposed by law, is hereby authorized and directed to establish rules necessary to implement the provisions of sections 39-1109 and 39-1114, Idaho Code;~~

(2) ~~District health boards, in addition to other duties imposed by law, are hereby authorized and directed to establish necessary health standards to implement the provisions of section 39-1110, Idaho Code; and~~

(3) ~~The board department, in addition to other duties imposed by law, is hereby authorized and directed through rulemaking to establish procedures necessary to implement the provisions of this chapter including procedure for submission of required certificates as provided in sections 39-1109 and 39-1110, Idaho Code, and to conduct of the criminal history check provided in section 39-1105, Idaho Code.~~

The ~~rule making~~ rulemaking authority granted in this section shall be limited to the specific standards and procedures required by this chapter.

SECTION 12. That Chapter 11, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-1112A, Idaho Code, and to read as follows:

39-1112A. ACCESS TO INFORMATION. The department shall make available to daycare consumers an informational pamphlet, created by the department, to educate daycare consumers with informational tools useful in identifying quality daycare. The department may deliver pamphlets during direct contact with daycare consumers, or by delivering pamphlets to daycare providers during the licensing or renewal process, during inspections or through other appropriate means. The pamphlet shall include:

(1) The importance of parents being vigilant for the safety, emotional health and training of their children that cannot be replaced by any other institution or individual;

(2) The basic characteristics of a quality daycare;

(3) A strong suggestion to parents to inquire about criminal history checks for any provider in a family daycare home;

(4) A link to a department approved website that contains more detailed information; and

(5) A department or other phone number for parents to report unsafe, dangerous or harmful activities within the daycare."

#### AMENDMENT TO SECTION 11

On page 9, in line 4, delete "SECTION 11" and insert: "SECTION 13"; in line 13, delete "Injuring" and insert: "Injuring Felony injury of"; and also in line 13, delete "felony or misdemeanor"; and on page 10, following line 25, insert:

"(o) Misdemeanor injury to a child, section 18-1501(2), Idaho Code.";

in line 27, delete "any of the following:" and insert: "that the daycare facility is not in compliance with the standards provided for in this chapter or criminal activity that threatens the health or safety of a child."; and delete lines 28 through 36.

#### AMENDMENT TO SECTION 12

On page 10, in line 43, delete "SECTION 12" and insert: "SECTION 14".

On page 11, in line 1, delete "~~Any person providing day care in a group day~~" and delete lines 2 through 5, and insert: "(1) Any person providing day care daycare for four (4) or more children in a group day care facility, family daycare home shall not be required to be licensed, but shall comply with the requirements of section 39-1105, Idaho Code, for a criminal history check ~~and shall obtain a fire inspection certificate establishing compliance with the standards provided in section 39-1109, Idaho Code.~~

(2) ~~The fire inspections for group day care facilities may be~~; following line 8, insert: "(3)"; and in line 10, delete "four (4) children" and insert: "seven (7) children".

#### AMENDMENT TO SECTION 13

On page 11, in line 12, delete "SECTION 13" and insert: "SECTION 15".

#### AMENDMENT TO SECTION 14

On page 11, in line 32, delete "SECTION 14" and insert: "SECTION 16".

#### AMENDMENT TO SECTION 15

On page 11, in line 37, delete "SECTION 15" and insert: "SECTION 17".

On page 12, delete line 1 and insert: "~~or a group day care facility to which a certificate is issued~~ is free from".

#### AMENDMENT TO SECTION 16

On page 12, in line 6, delete "SECTION 16" and insert: "SECTION 18".

#### AMENDMENT TO THE BILL

On page 12, delete lines 29 through 35.

#### AMENDMENT TO SECTION 18

On page 12, in line 36, delete "SECTION 18" and insert: "SECTION 19".

#### AMENDMENT TO SECTION 19

On page 12, in line 41, delete "SECTION 19" and insert: "SECTION 20".

#### CORRECTIONS TO TITLE

On page 1, in line 6, following "TERMINOLOGY" insert: "AND TO REVISE AN EXCEPTION"; in line 9, delete "TO REMOVE"; in line 10, delete "A PROHIBITION ON REINSPECTION CHARGES,"; in line 11, delete "A TECHNICAL CORRECTION" and insert: "TECHNICAL CORRECTIONS"; in line 16, following "RENEWAL," insert: "TO PROVIDE FOR CERTAIN LICENSE RENEWAL PROCEDURES,"; in line 17, delete "LIMITED"; in line 19, following "YEARS OF AGE" insert: ", TO PROVIDE FOR A CERTAIN ENTITLEMENT FOLLOWING CERTAIN SUBMISSIONS"; in line 21, following "RENEWAL FEE," insert: "TO PROVIDE FOR CERTAIN LICENSE FEES FOR DAYCARE CENTERS AND GROUP DAYCARE FACILITIES, TO PROVIDE FOR AN ADDITIONAL CRIMINAL HISTORY CHECK FEE,"; in line 23, following "LICENSE FEES," insert: "TO REVISE ALLOCATIONS OF LICENSE FEES,"; in line 24, following "EXCEPTION" insert: ", TO AUTHORIZE THE DEPARTMENT OF HEALTH AND WELFARE TO UTILIZE CERTAIN FUNDS FOR CERTAIN PURPOSES, TO STATE LEGISLATIVE INTENT"; in line 28, delete "TO REQUIRE COMPLIANCE WITH A CERTAIN"; in line 29, delete "INTERNATIONAL FIRE SAFETY CODE,"; in line 36, following "TERMINOLOGY;" insert: "AMENDING SECTION 39-1111, IDAHO CODE, TO REVISE RULEMAKING AUTHORITY AND TO MAKE



Whereupon the Speaker declared that [S 1229](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1230](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall [S 1230](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hart, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Kren, Lake, Loertscher, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Burgoyne, Durst, Hagedorn, Harwood, Higgins, Schaefer, Trail. Total – 7.

Absent and excused – Anderson, Bedke, Labrador, Marriott. Total – 4.

Paired Votes:

AYE -- McGeachin                      NAY -- Schaefer

AYE -- Cronin                          NAY -- Higgins

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [S 1230](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1231](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1231](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Luker, Mathews, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 55.

NAYS – Barrett, Clark, Durst, Hagedorn, Hart, Harwood, Higgins, Kren, Loertscher, Schaefer, Smith(24). Total – 11.

Absent and excused – Anderson, Bedke, Marriott, McGeachin. Total – 4.

Paired Votes:

AYE -- Cronin                          NAY -- Durst

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [S 1231](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1183](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [S 1183](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Gibbs, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Mathews, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Hagedorn, Harwood. Total – 2.

Absent and excused – Anderson, Bedke, Cronin, Marriott, McGeachin. Total – 5.

Total – 70.

Whereupon the Speaker declared that [S 1183](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House returned to the Fifth Order of Business.

### Report of Standing Committees

April 27, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 334](#) and recommend that it do pass.

WOOD, Chairman

[H 334](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 338 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO FUELS; AMENDING SECTION 63-2407, IDAHO CODE, TO DELETE CERTAIN DEDUCTIONS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[H 338](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 9:30 a.m., Tuesday, April 28, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 4:10 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk